

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

9 ALEXANDER OCASIO,) 3:08-cv-00441-HDM-RAM
10 Plaintiff,)
11 vs.) ORDER
12 E.K. McDANIEL, et al.,)
13 Defendants.)

The court has considered the report and recommendation of the
15 United States Magistrate Judge (#50) filed on October 27, 2009, in
16 which the magistrate judge recommends that this court enter an
17 order denying plaintiff's motion for a temporary restraining order
18 (#13) and plaintiff's motion for a preliminary injunction (#12).
19 Defendants opposed the motions (#15), and plaintiff replied (#16).

20 The court has considered the pleadings and memoranda of the
21 parties and other relevant matters of record and has made a review
22 and determination in accordance with the requirements of 28 U.S.C.
23 § 636 and applicable case law, and good cause appearing, the court
24 hereby

ADOPTS AND ACCEPTS the report and recommendation of the United

States Magistrate Judge (#50). In response to plaintiff's objections (#51), the court notes that the magistrate judge 1 properly and accurately represented his claims. Further, plaintiff 2 makes no allegations concerning the security pen or its alleged 3 deficiencies in his complaint; rather, Count 2 of his complaint, 4 which asserts his claim relating to legal supplies, mentions only 5 that he is being denied sufficient paper and envelopes. Finally, 6 the magistrate judge did not err in applying the "actual injury" 7 standard to plaintiff's claim for injunctive relief. See *Maulden* 8 *v. Henry*, 166 F.3d 1218 (9th Cir. 1998) (unpublished disposition) 9 (applying actual injury standard to prisoner's motion for 10 preliminary injunction); *Thomas v. Lewis*, 1996 WL 742367 (9th Cir. 11 1996) (unpublished disposition) (same).

12 Accordingly, the plaintiff's motion for a temporary
13 restraining order (#13) and his motion for a preliminary injunction
14 (#12) are hereby **DENIED**.

15 **IT IS SO ORDERED.**

16 DATED: This 30th day of November, 2009.

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19 UNITED STATES DISTRICT JUDGE
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